

**Listing of Claims:**

1. (Currently Amended) An isolated polynucleotide with the function of a promoter, comprising a first nucleic acid, ~~wherein~~ said first nucleic acid has consisting of a nucleotide sequence that is:
  - (a) at least 95% identical to a reference nucleotide sequence set forth in SEQ ID NO:7; or
  - (b) identical to a reference nucleotide sequence set forth in SEQ ID NO:7.
2. (Original) The polynucleotide of claim 1, wherein said polynucleotide regulates transcription of  $\beta$ -galactosidase in a bacterial host cell.
3. (Canceled).
4. (Previously Presented) The polynucleotide of claim 1, further comprising a second nucleic acid operably associated with said first nucleic acid and regulated by said first nucleic acid.
5. (Original) The polynucleotide of claim 4, wherein said second nucleic acid encodes a polypeptide.
6. (Original) The polynucleotide of claim 5, wherein said polypeptide is selected from the group consisting of: (a) a polypeptide, which is a component of an amino acid biosynthesis pathway; (b) a polypeptide, which is a component of a purine nucleotide biosynthesis pathway; and (c) a heterologous polypeptide.
7. (Original) The polynucleotide of claim 6, wherein said polypeptide is a component of an amino acid biosynthesis pathway.
8. (Original) The polynucleotide of claim 7 wherein said amino acid biosynthesis pathway is a lysine biosynthesis pathway.

9. (Original) The polynucleotide of claim 7, wherein said polypeptide is selected from the group consisting of: (a) aspartokinase, (b) diaminopimelate dehydrogenase, (c) diaminopimelate decarboxylase, (d) dihydrodipicolinate synthetase, (e) dihydrodipicolinate reductase, (f) aspartate beta-semialdehyde dehydrogenase, and (g) pyruvate carboxylase.

10. (Original) A method of producing a vector which comprises inserting the polynucleotide of claim 1 into a vector.

11. (Original) A vector comprising the polynucleotide of claim 1.

12. (Original) A vector comprising the polynucleotide of claim 4.

13. (Original) A vector comprising the polynucleotide of claim 6.

14. (Original) A host cell comprising the vector of claim 11.

15. (Original) The host cell of claim 14, wherein said host cell is a *Corynebacterium* species.

16. (Original) A host cell comprising the vector of claim 12.

17. (Original) A host cell comprising the vector of claim 13.

18. (Original) A method of producing a transformed *Corynebacterium* species host cell comprising: (a) introducing into *Corynebacterium* species cells the vector of claim 17, and (b) selecting said host cell.

19. (Original) A method of production of a biosynthetic product, comprising culturing the host cell of claim 18 in or on a culture medium, and recovering said product.

20. (Currently Amended) An isolated polynucleotide comprising a nucleic acid consisting of a nucleotide sequence at least 90% identical to the sequence which hybridizes to a reference nucleic acid, or the complement thereof, under stringent hybridization conditions, wherein the sequence of said reference nucleic acid is set forth in SEQ ID NO: 7, and wherein

the -10 region of said nucleotide sequence consists essentially of the sequence TACAAT and  
wherein the -35 region of said nucleotide sequence consists essentially of the sequence  
TTGCCA of said nucleotide sequence are conserved nucleic acid is at least 30 nucleotides in  
length.

21. (Original) The polynucleotide of claim 20, wherein said polynucleotide regulates transcription of  $\beta$ -galactosidase in a bacterial host cell.

22-24. (Canceled).

25. (Previously Presented) An isolated polynucleotide comprising a first nucleic acid wherein the sequence of said first nucleic acid comprises at least 50 contiguous nucleotides of SEQ ID NO:7.

26. (Previously Presented) The polynucleotide of claim 25, wherein the sequence of said first nucleic acid comprises 150 contiguous nucleotides of SEQ ID NO:7.

27. (Previously Presented) The polynucleotide of claim 25, further comprising a second nucleic acid operably associated with said first nucleic acid and regulated by said first nucleic acid.

28. (Original) The polynucleotide of claim 27, wherein said second nucleic acid encodes a polypeptide.

29. (Original) The polynucleotide of claim 28, wherein said polypeptide is selected from the group consisting of: (a) a polypeptide which is a component of an amino acid biosynthesis pathway; (b) a polypeptide which is a component of a purine nucleotide biosynthesis pathway; and (c) a heterologous polypeptide.

30. (Original) The polynucleotide of claim 29, wherein said polypeptide is a component of an amino acid biosynthesis pathway.

31. (Previously Presented) A method of producing a vector which comprises inserting the polynucleotide of claim 25 into a vector.
32. (Previously Presented) A vector comprising the polynucleotide of claim 25.
33. (Original) A vector comprising the polynucleotide of claim 27.
34. (Original) A host cell comprising the vector of claim 32.
35. (Original) The host cell of claim 34, wherein said host cell is a *Corynebacterium* species.
36. (Original) A host cell comprising the vector of claim 33.
37. (Original) A method of producing a transformed *Corynebacterium* species host cell comprising: (a) introducing into *Corynebacterium* species cells the vector of claim 33, and (b) selecting said host cell.
38. (Original) A method of production of a biosynthetic product, comprising culturing the host cell of claim 36 in or on a culture medium, and recovering said product.
- 39-73. (Canceled).